

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
Defendant.)	

**DECLARATION OF JAMES D. CLEMENTS IN SUPPORT OF PLAINTIFF’S MOTION
TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF
THE COURT’S PERMANENT INJUNCTION**

I, James D. Clements, declare as follows:

1. I am an associate at Goodwin Procter LLP, counsel for Plaintiff ePlus Inc. (“ePlus”) in this proceeding. I submit this declaration in support of ePlus’s motion to show cause why Defendant Lawson Software, Inc. (“Defendant”) should not be held in contempt of the Court’s permanent injunction.
2. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently hereto.
3. Attached as Exhibit 1 is a true and accurate copy of excerpts from the transcript of the jury trial held in this matter from January 4 to January 27, 2011 (Dkt. Nos. 644-696).
4. Attached as Exhibit 2 is a true and accurate copy of excerpts from the transcript of the hearing held in this matter on March 25, 2011 (Dkt. Nos. 697-700).

5. Attached as Exhibit 3 is a true and accurate copy of Plaintiff's Exhibit PX-1, U.S. Patent No. 6,023,683.

6. Attached as Exhibit 4 is a true and accurate copy of Plaintiff's Exhibit PX-3, U.S. Patent No. 6,505,172.

7. Attached as Exhibit 5 is a true and accurate copy of excerpts from Plaintiff's Exhibit PX-211, entitled "Lawson Procurement Punchout Installation Guide, Version 9.0.0.x."

8. Attached as Exhibit 6 is a true and accurate copy of Plaintiff's Exhibit PX-374.

9. Attached as Exhibit 7 is a true and accurate copy of Plaintiff's Exhibit PX-376.

10. Attached as Exhibit 8 is a true and accurate copy of a letter from Daniel McDonald to Scott Robertson dated May 6, 2011.

11. Attached as Exhibit 9 is a true and accurate copy of a letter from Daniel McDonald to Scott Robertson dated May 18, 2011.

12. Attached as Exhibit 10 is a true and accurate copy of excerpts from Defendant's Emergency Motion for a Stay Pending Appeal of the District Court's Injunction dated May 24, 2011.

13. Attached as Exhibit 11 is a true and accurate copy of an Order from the U.S. Court of Appeals for the Federal Circuit in Case No. 2011-1396 dated May 25, 2011.

14. Attached as Exhibit 12 is a true and accurate copy of a letter from Daniel McDonald to the Court dated June 2, 2011.

15. Attached as Exhibit 13 is a true and accurate copy of a letter from Daniel McDonald to Scott Robertson dated June 10, 2011.

16. Attached as Exhibit 14 is a true and accurate copy of a letter from Scott Robertson to Daniel McDonald dated June 16, 2011.

17. Attached as Exhibit 15 is a true and accurate copy of a letter from Scott Robertson to Daniel McDonald dated June 24, 2011.

18. Attached as Exhibit 16 is a true and accurate copy of a letter from Daniel McDonald to Scott Robertson dated June 28, 2011.

19. Attached as Exhibit 17 is a true and accurate copy of a letter from Scott Robertson to Daniel McDonald dated July 1, 2011.

20. Attached as Exhibit 18 is a true and accurate copy of a letter from Daniel McDonald to Scott Robertson dated July 6, 2011.

21. Attached as Exhibit 19 is a true and accurate copy of a letter from William Schultz to Scott Robertson dated July 13, 2011.

22. Attached as Exhibit 20 is a true and accurate copy of a letter from William Schultz to Michael Strapp dated July 14, 2011.

23. Attached as Exhibit 21 is a true and accurate copy of an Order from the U.S. Court of Appeals for the Federal Circuit in Case No. 2011-1396 dated July 14, 2011.

24. Attached as Exhibit 22 is a true and accurate copy of a letter from Jennifer Albert to William Schultz dated August 10, 2011.

25. Attached as Exhibit 23 is a true and accurate copy of an email from William Schultz to Jennifer Albert dated August 12, 2011.

26. Attached as Exhibit 24 is a true and accurate copy of a letter from Jennifer Albert to William Schultz dated September 9, 2011.

27. Attached as Exhibit 25 is a true and accurate copy of excerpts from a document produced by Lawson under Bates numbers RQC0000001 through RQC0000046 entitled

“Lawson Procurement Punchout and PO Dispatcher Installation and Administration Guide for Lawson Applications 8.1.x and 9.x.”

28. Attached as Exhibit 26 is a true and accurate copy of a document produced by Lawson under Bates numbers RQC0000047 through RQC0000347 entitled “Inventory Control User Guide, Version 9.0.1.”

29. Attached as Exhibit 27 is a true and accurate copy of a document produced by Lawson under Bates numbers RQC0000364 through RQC0000379 entitled “Lawson Requisition Center Installation Guide, Version 9.0.1.”

30. Attached as Exhibit 28 is a true and accurate copy of a document produced by Lawson under Bates numbers RQC0000380 through RQC0000383 entitled “Requisition Center Release Notes, Version 9.0.1.1.”

31. Attached as Exhibit 29 is a true and accurate copy of a document produced by Lawson under Bates numbers RQC0000384 through RQC0000433 entitled “Lawson Requisition Center User Guide, Version 9.0.1.”

32. Attached as Exhibit 30 is a true and accurate copy of excerpts from a document produced by Lawson under Bates numbers RQC0000638 through RQC0000655 entitled “Introducing Lawson Requisition Center Webinar (June 3, 2011), Questions And Answers.”

33. Attached as Exhibit 31 is a true and accurate copy of excerpts from a document produced by Lawson under Bates numbers RQC0000656 through RQC0000690 entitled “Introducing Lawson Requisition Center.”

34. Attached as Exhibit 32 is a true and accurate copy of a document produced by Lawson under Bates numbers RQC0000691 through RQC0000694 entitled “Lawson Requisition

Center and Procurement Punchout, A Winning Proposition for Your Purchasing Department, End Users – And Bottom Line.”

35. Attached as Exhibit 33 is a true and accurate copy of a document produced by Lawson under Bates numbers RQC0000695 through RQC0000708 entitled “Lawson Requisition Center Overview.”

36. Attached as Exhibit 34 is a true and accurate copy of a document produced by Lawson under Bates numbers RQC0000709 through RQC0000721 entitled “Lawson Requisition Center, What’s New and Different.”

37. Attached as Exhibit 35 is a true and accurate copy a document produced by Lawson under Bates number RQC0000722 entitled “Lawson S3 Requisition Center is generally available today – May 18, 2011.”

38. Attached as Exhibit 36 is a true and accurate copy of a document produced by Lawson under Bates numbers RQC0000724 through RQC0000729 entitled “Subject: Immediate Support Stop for M3 e-Procurement solution required.”

39. Attached as Exhibit 37 is a true and accurate copy a document produced by Lawson under Bates number RQC0000730 entitled “Important Notice: Recommended Patch Available for Procurement Punchout Customers.”

40. Attached as Exhibit 38 is a true and accurate copy of a document produced by Lawson under Bates numbers RQC0000732 through RQC0000738 entitled “Subject: Immediate replacement of Requisitions Self-Service software products.”

41. Attached as Exhibit 39 is a true and accurate copy of a video produced by Lawson under Bates number RQC0000740.

42. Attached as Exhibit 40 is a true and accurate transcript of the video produced by Lawson under Bates numbers RQC0000740.

43. Attached as Exhibit 41 is a true and accurate copy of a video produced by Lawson under Bates number RQC0000741.

44. Attached as Exhibit 42 is a true and accurate transcript of the video produced by Lawson under Bates number RQC0000741.

45. Attached as Exhibit 43 is a true and accurate copy of a video produced by Lawson under Bates number RQC0000742.

46. Attached as Exhibit 44 is a true and accurate transcript of the video produced by Lawson under Bates number RQC0000742.

47. Attached as Exhibit 45 is a true and accurate copy of a video produced by Lawson under Bates number RQC0000743.

48. Attached as Exhibit 46 is a true and accurate transcript of the video produced by Lawson under Bates number RQC0000743.

49. Attached as Exhibit 47, which has been filed under seal, is a true and accurate copy of the “readme.txt” file within the confidential source code produced by Lawson under Bates number RQC0000744.

50. Attached as Exhibit 48 is a true and accurate copy of a blackline comparison between the document produced by Lawson under Bates numbers RQC0000384 through RQC0000433, entitled “Lawson Requisition Center User Guide, Version 9.0.1,” and Plaintiff’s Exhibit PX-98, entitled “Lawson Requisitions Self-Service User Guide, Version 9.0.1.”

52. Attached as Exhibit 50 is a true and accurate copy of the webpage located at the following URL: http://www.linkedin.com/groups/Healthcare-We-are-using-Lawson-164842.S.57595645?qid=4faaaa90-2fce-41dc-b4ed-ab8491a5eb60&goback=%2Egmp_164842 (last visited September 8, 2011).

I declare under penalty of perjury that the foregoing is true and correct. Executed at Boston, Massachusetts, this 9th day of September, 2011.



James D. Clements